



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0401

Introduced 1/25/2005, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-6

from Ch. 24, par. 10-2.1-6

Amends the Municipal Code. Deletes requirement that an applicant for a municipal fire or police department be under 35 years of age and replaces it with the requirement that the applicant must have the physical capacity to discharge the duties of the position sought.

LRB094 06910 AJO 37022 b

1 AN ACT concerning municipalities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 10-2.1-6 as follows:

6 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

7 Sec. 10-2.1-6. Examination of applicants;
8 disqualifications.

9 (a) An applicant ~~All applicants~~ for a position in either
10 the fire or police department of the municipality shall have
11 the physical capacity to discharge the duties of the position
12 to which the applicant seeks appointment ~~be under 35 years of~~
13 ~~age~~, shall be subject to an examination that shall be public,
14 competitive, and open to all applicants (unless the council or
15 board of trustees by ordinance limit applicants to electors of
16 the municipality, county, state or nation) and shall be subject
17 to reasonable limitations as to residence, health, habits, and
18 moral character. The municipality may not charge or collect any
19 fee from an applicant who has met all prequalification
20 standards established by the municipality for any such
21 position.

22 (b) Residency requirements in effect at the time an
23 individual enters the fire or police service of a municipality
24 (other than a municipality that has more than 1,000,000
25 inhabitants) cannot be made more restrictive for that
26 individual during his period of service for that municipality,
27 or be made a condition of promotion, except for the rank or
28 position of Fire or Police Chief.

29 (c) No person with a record of misdemeanor convictions
30 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
31 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
32 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,

1 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
2 24-1 of the Criminal Code of 1961 or arrested for any cause but
3 not convicted on that cause shall be disqualified from taking
4 the examination to qualify for a position in the fire
5 department on grounds of habits or moral character.

6 (d) (Blank). ~~The age limitation in subsection (a) does not~~
7 ~~apply (i) to any person previously employed as a policeman or~~
8 ~~fireman in a regularly constituted police or fire department of~~
9 ~~(I) any municipality or (II) a fire protection district whose~~
10 ~~obligations were assumed by a municipality under Section 21 of~~
11 ~~the Fire Protection District Act, (ii) to any person who has~~
12 ~~served a municipality as a regularly enrolled volunteer fireman~~
13 ~~for 5 years immediately preceding the time that municipality~~
14 ~~begins to use full time firemen to provide all or part of its~~
15 ~~fire protection service, or (iii) to any person who has served~~
16 ~~as an auxiliary policeman under Section 3.1 30 20 for at least~~
17 ~~5 years and is under 40 years of age, or (iv) to any person who~~
18 ~~has served as a deputy under Section 3 6008 of the Counties~~
19 ~~Code and otherwise meets necessary training requirements.~~

20 (e) Applicants who are 20 years of age and who have
21 successfully completed 2 years of law enforcement studies at an
22 accredited college or university may be considered for
23 appointment to active duty with the police department. An
24 applicant described in this subsection (e) who is appointed to
25 active duty shall not have power of arrest, nor shall the
26 applicant be permitted to carry firearms, until he or she
27 reaches 21 years of age.

28 (f) Applicants who are 18 years of age and who have
29 successfully completed 2 years of study in fire techniques,
30 amounting to a total of 4 high school credits, within the cadet
31 program of a municipality may be considered for appointment to
32 active duty with the fire department of any municipality.

33 (g) The council or board of trustees may by ordinance
34 provide that persons residing outside the municipality are
35 eligible to take the examination.

36 (h) The examinations shall be practical in character and

1 relate to those matters that will fairly test the capacity of
2 the persons examined to discharge the duties of the positions
3 to which they seek appointment. No person shall be appointed to
4 the police or fire department if he or she does not possess a
5 high school diploma or an equivalent high school education. A
6 board of fire and police commissioners may, by its rules,
7 require police applicants to have obtained an associate's
8 degree or a bachelor's degree as a prerequisite for employment.
9 The examinations shall include tests of physical
10 qualifications and health. No person shall be appointed to the
11 police or fire department if he or she has suffered the
12 amputation of any limb unless the applicant's duties will be
13 only clerical or as a radio operator. No applicant shall be
14 examined concerning his or her political or religious opinions
15 or affiliations. The examinations shall be conducted by the
16 board of fire and police commissioners of the municipality as
17 provided in this Division 2.1.

18 (i) No person who is classified by his local selective
19 service draft board as a conscientious objector, or who has
20 ever been so classified, may be appointed to the police
21 department.

22 (j) No person shall be appointed to the police or fire
23 department unless he or she is a person of good character and
24 not an habitual drunkard, gambler, or a person who has been
25 convicted of a felony or a crime involving moral turpitude. No
26 person, however, shall be disqualified from appointment to the
27 fire department because of his or her record of misdemeanor
28 convictions except those under Sections 11-6, 11-7, 11-9,
29 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,
30 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,
31 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)
32 of Section 24-1 of the Criminal Code of 1961 or arrest for any
33 cause without conviction on that cause. Any such person who is
34 in the department may be removed on charges brought and after a
35 trial as provided in this Division 2.1.

36 (Source: P.A. 92-533, eff. 3-14-02.)